

	INDIANA DEPARTMENT OF CHILD SERVICES TITLE IV-D POLICY MANUAL	
	Chapter 9: Paternity Establishment	Effective Date: 08/19/2020
	Section 2: Administrative Establishment of Paternity	Version: 2 Revision Date: 08/19/2020

BACKGROUND

The two (2) methods for establishing paternity in Indiana are by paternity affidavit and by court order.¹ Federal regulations require an expedited administrative process to establish paternity.² In Indiana, the paternity affidavit satisfies this requirement. A paternity affidavit may be executed through a hospital within 72 hours of the child's birth, at the local health department up to the child's emancipation, or upon marriage of the parents to each other.³ The Title IV-D Prosecutor's Office may search Panoptic for, and print copies of, paternity affidavits executed from 2006 to the current date. The Child Support Bureau (CSB) makes this online search tool, provided by the Indiana State Department of Health, available to the Title IV-D Prosecutor's Offices.

POLICY

The valid execution of a paternity affidavit conclusively establishes paternity.⁴ No further legal action is necessary.⁵ The paternity affidavit gives rise to the right of the custodial party (CP), non-custodial parent (NCP), or the Title IV-D agency to obtain a child support order including provisions for health insurance.⁶ The paternity affidavit also gives rise to parenting time rights in accordance with Indiana Parenting Time Guidelines.⁷

It should be noted, within 60 days of the date the paternity affidavit is executed, a man who signs the paternity affidavit may file an action to request an order for genetic testing.⁸

If it is within 60 days of the execution of the paternity affidavit, the Title IV-D Prosecutor's Office may, at the request of the man who signed the paternity affidavit, file a request with the Court for genetic testing.⁹

A properly executed paternity affidavit may not be rescinded more than 60 days after the execution unless:

1. A court determines that fraud, duress, or material mistake of fact existed when the affidavit was executed;¹⁰ and

¹ IC 31-14-2-1

² 42 U.S.C. § 666(a)(2); 42 U.S.C. § 666(a)(5)(C)

³ IC 16-37-2-2.1(c); IC 16-37-2-16

⁴ IC 16-37-2-2.1(p)

⁵ IC 16-37-2-2.1(p)

⁶ IC 16-37-2-2.1(j)(2)(A)

⁷ IC 16-37-2-2.1(j)(2)(B)

⁸ IC 16-37-2-2.1(k)

⁹ IC 16-37-2-2.1(k)

¹⁰ IC 16-37-2-2.1(l)(1)

2. A court-ordered genetic test excluded the man as the child's biological father.¹¹

REFERENCES

- [IC 16-37-2-2.1](#): Paternity affidavits; requirements; forms; joint legal custody agreement; penalty; effect of paternity affidavit; genetic test; opportunity to consult
- [IC 16-37-2-16](#): New birth certificate upon marriage of illegitimate child's parents; correction of records
- [IC 31-14-2-1](#): Exclusive methods of establishing paternity
- [IC 31-14-4-1](#): Persons permitted to file action
- [IC 31-25-4-17](#): Support related duties of bureau
- [42 U.S.C. § 666](#): Requirement of statutorily prescribed procedures to improve effectiveness of child support enforcement

PROCEDURE

When the Title IV-D Prosecutor's Office initiates a case in which the child is born out of wedlock, the Title IV-D Prosecutor's Office should check Panoptic to determine whether a paternity affidavit has been executed. If the enrollee states that a paternity affidavit was executed but a paternity affidavit is not found in Panoptic, the Title IV-D Prosecutor's Office may need to contact the health department in the jurisdiction where the paternity affidavit was executed to obtain a copy of the paternity affidavit.

In any Title IV-D case in which the child was born out of wedlock and paternity has not been established by paternity affidavit, the Title IV-D Prosecutor's Office will file a petition to establish paternity with the Court.¹²

FORMS AND TOOLS

1. [Panoptic Paternity Affidavit Access](#)
2. [Paternity Affidavit – Hospital Use](#)
3. [Local Health Department Paternity Affidavit – Child More Than 60 Days Old](#)
4. [Local Health Department Paternity Affidavit – Child Less Than 60 Days Old](#)
5. [Paternity Affidavit Upon Marriage](#)

FREQUENTLY ASKED QUESTIONS

1. Q. Is there any consequence to a mother who knowingly or intentionally names the wrong man on the paternity affidavit?
 - A. Yes. If a woman knowingly or intentionally falsely names a man as the child's biological father, she commits a Class A misdemeanor.¹³
2. Q. If a man who signed the paternity affidavit requests genetic testing within the 60 day

¹¹ IC 16-37-2-2.1(l)(2)

¹² IC 31-14-4-1(7); IC 31-25-4-17(a)(3); IC 31-25-4-17(a)(7)(A)(i); Chapter 9: Paternity Establishment, Section 4: Judicial Establishment of Paternity

¹³ IC 16-37-2-2.1(i)

time frame allowed under the statute, who conducts the test?

A. If it is a Title IV-D case, the Title IV-D Prosecutor's Office shall provide genetic testing services.¹⁴

3. Q. If a Paternity Affidavit has been executed, is any further court action required to establish or affirm the paternity of the child?

A. No. Executing a Paternity Affidavit conclusively establishes the legal paternity of a child without any further proceedings by a Court.¹⁵

RELATED INFORMATION

The Indiana State Department of Health is developing a new system, Database Registration of Vital Events (DRIVE), which will replace Panoptic. DRIVE is scheduled to be fully implemented by summer 2021. There will be a period of overlap where both Panoptic and DRIVE will be used while data is converted.

REVISION HISTORY

Version	Date	Description of Revision
Version 1	11/17/2017	Final Approved Version
Version 2	08/19/2020	Updated to address more commonly occurring issues with establishing paternity and added additional information about Panoptic.

¹⁴ IC 16-37-2-2.1(k); IC 31-14-4-1; Chapter 9: Paternity Establishment, Section 4: Judicial Establishment of Paternity

¹⁵ IC 16-37-2-2.1(p)